

ESTTA Tracking number: **ESTTA543797**

Filing date: **06/19/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210555
Party	Defendant Car Tattoos Decals And Sportswear Ltd.
Correspondence Address	CAR TATTOOS DECALS AND SPORTSWEAR LTD. CAR TATTOOS DECALS AND SPORTSWEAR LTD. 123 BELLEVUE PL YONKERS, NY 10703-1606  cartattoos@cs.com
Submission	Answer
Filer's Name	Todd Wengrovsky, Esq.
Filer's e-mail	contact@twlegal.com
Signature	/s/ Todd Wengrovsky
Date	06/19/2013
Attachments	Car Tattoos TTAB Answer 06192013.pdf(221814 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Proceeding Number: **91210555**

Serial No.: **85/695,817**

Mark: **GORILLA BIKER**

BOX TTAB  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**APPLICANT'S ANSWER TO  
OPPOSER'S NOTICE OF OPPOSITION**

Applicant Car Tattoos Decals And Sportswear Ltd., by its attorney Todd Wengrovsky, hereby responds to the Notice of Opposition filed by Amcor Industries, Inc. on May 10, 2013, as follows:

1. Applicant admits the allegations of this Paragraph of the Notice of Opposition as to the Registrations being listed in Opposer's name, but lacks sufficient information or knowledge as to the remaining allegations and on that basis denies same.

2. Applicant lacks sufficient information or knowledge as to the allegations of this Paragraph of the Notice of Opposition

3. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

4. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

5. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

6. Applicant admits the allegations of this Paragraph of the Notice of Opposition.

7. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition, and further comments as follows: Applicant's mark was approved in International Class 025 – Clothing. Out of the fourteen registrations cited by Opposer, only three were filed in the clothing class, rendering most of the cited registrations *irrelevant*. The three cited registrations within the clothing class are as follows: (1) Registration Number 3,542,492 for a graphic logo (without any text) used in connection with hats and shirts; (2) Registration Number 3,674,934 for the mark “GORILLA AXLE” used in connection with hats and shirts; and (3) Registration Number 3,582,128 for the word mark “TEAM GORILLA” used in connection with hats and shirts.

Whether comparing the present mark with Opposer's clothing related marks or any other of their registrations, GORILLA BIKER and Opposer's marks look significantly different than one another. Furthermore, GORILLA BIKER and Opposer's marks also sound quite different from one

another. Moreover, GORILLA BIKER does not conjure up an image similar to that of any of Opposer's marks. Indeed, the present mark especially has nothing to do with Opposer's graphics, nor, for example, does it have anything to do with the terms "TEAM" or "AXLE."

Finally, it must be noted that Opposer's three registrations within the clothing class have happily co-existed with many *other* marks that include "GORILLA" within the very same class. For the purposes of example only, the following marks are registered with Class 025:

"GORILLA" – Registration Number 50,962

"GORILLA" – Registration Number 1,044,937

"GORILLA WEAR" – Registration Number 1,690,252

"GORILLA WEAR" – Registration Number 2,034,727

"GORILLA CUT" – Registration Number 2,990,790

"GORILLAS" – Registration Number 2,712,302

"GORILLA RACING" – Registration Number 2.697.449

"GORILLA COMBAT" – Registration Number 3.852.077

"GORILLA STRENGTH" – Registration Number 4.006.706

"GORILLA USA" – Registration Number 4.115.217

"GORILLA UNIT" – Registration Number 3.508.628

"ALPHA GORILLA" – Registration Number 4.225.457

"GRAPPLIN' GORILLAS" – Registration Number 4.236.506

"GORILLA GWAP GANG" – Registration Number 4.178.950

There is no evidence to suggest that the above-listed marks are owned or otherwise authorized by Opposer. Because many instances of "GORILLA" have been approved to co-exist

within International Class 025, there is no reason why Applicant's mark can not join them. In light of all of the foregoing, the present mark and the cited marks are not confusingly similar to each other in any way, and the present mark should be granted registration.

*(There is no number "8" in Opposer's Notice of Opposition)*

9. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

10. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

**WHEREFORE,** Applicant requests that the Opposition be dismissed in its entirety with prejudice.

Dated: Calverton, New York.  
June 19, 2013

/s/ Todd Wengrovsky  
Todd Wengrovsky  
Law Offices of  
Todd Wengrovsky, PLLC.  
285 Southfield Road, Box 585  
Calverton, NY 11933  
Tel (631) 727-3400  
*Attorney for Applicant*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 19, 2013, a copy of the foregoing Applicant's Answer to Opposer's Notice of Opposition was electronically filed with the United States Patent and Trademark Office and that a copy was deposited with the United States Postal Service as First Class Mail, postage paid, in an envelope addressed to Plaintiff's attorney of record:

Michael P. Martin, Esq.  
Fischbach, Perlstein, Lieberman & Almond, LLP  
1925 Century Park East, Suite 2050  
Los Angeles, CA 90067  
[mmartin@fpplaw.com](mailto:mmartin@fpplaw.com)

/s/ Todd Wengrovsky  
Todd Wengrovsky  
Law Offices of  
Todd Wengrovsky, PLLC.  
285 Southfield Road, Box 585  
Calverton, NY 11933  
Tel (631) 727-3400  
*Attorney for Applicant*